IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 6555 of 1996

Between:

Remella Surya Bhaskara Rao S/o Venkata Surya Rao
Jegurupadu, Kadiyam (m), East Godavari dist. **..... PETITIONER**

AND

1 Asst. Commissioner of Endowments
Rajahmundry
2 Dist. Collector
Kakinada, E G Dist.
3 Vanamali Venkanna S/o Veeraswamy
Jegurupadu Village, Kadiyam (M), E G Dist.
4 Nagi Reddy Satyanarayana S/o Ranga Raju
Jegurupadu Village, Kadiyam (M), E G Dist.
5 Karri Ganga Rao S/o Chinnayya
Jegurupadu Village, Kadiyam (M), E G Dist.
6 K Venkata Raju S/o Venkata Raju
Jegurupadu Village, Kadiyam (M), E G Dist.
7 Putta Durga Rao S/o Vishnu Murthy
Jegurupadu Village, Kadiyam (M), E G Dist. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Direction or Order preferably in the nature of Mandamus declaring the action of the 1st respondent in not initiating action against the respondents 3 to 7 in pursuance of the petitioners telegraphic representation dt. 6-3-96 as illegal, arbitrary and further direct the respondents 3 to 7 not to proceed with the construction of new Ramalayam opposite to the existing Ramalayam in Sy. No. 229/1.a of Jegurudupadu village, Kadiyam Mandal, East Godavari District.

Counsel for the Petitioner: MR.K.VENKATESH

Counsel for the Respondent Nos.1 & 2: GP FOR ENDOWMENTS

Counsel for the Respondent Nos.3 to 7: None appeared

The Court made the following :

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ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the first respondent in not initiating action against the respondents 3 to 7 in pursuance of the petitioner's telegraphic representation dated 6-3-1996 as illegal and arbitrary, and to direct the respondents 3 to 7 not to proceed with the construction of new Ramalayam opposite to the existing Ramalayam in S.No.229/1.A of Jegurupadu village, Kadiyam Mandal, East Godavari District.

In the affidavit filed in support of this writ petition, it is stated that the forefathers of the petitioner have built Ramalayam temple in S.Nos.229/1-A and 387/27 situated in Jegurupadu village, East Godavari district. While so, the respondents 3 to 7 styling themselves as village elders have started constructing another temple in 0-02 cents of land opposite to the existing temple illegally without any permission from the competent authority. In this regard, the petitioner sent a telegraphic representation dated 6-3-1996 to the 1st respondent. On the ground that no action has been taken despite his representation, the petitioner has approached this Court.

While admitting the writ petition, this Court has granted an interim order directing the respondents 3 to 7 not to proceed with the construction. Though the writ petition is of the year 1996, so far no counter-affidavit has been filed either on behalf of the official respondents 1 & 2 or on behalf of the unofficial respondents 3 to 7.

I have perused the copy of the telegraphic representation dated 6-3-1996. No details are furnished in the said representation. Inasmuch as there is no counter-affidavit filed on behalf of the respondents, I deem it appropriate to dispose of the writ petition permitting the petitioner to file a detailed representation before the first respondent, if he has any grievance against the proposed construction being undertaken by the respondents 3 to 7. If any such representation is filed by the petitioner, the first respondent shall consider and dispose of the same in accordance with law.

Subject to the above direction, the writ petition is disposed of without any order as to costs.

16-02-2005

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Copy to:

1 The Asst. Commissioner of Endowments
Rajamundry

2 The Dist. Collector
Kakinada, E G Dist.

3 Two CCs to the G.P for Endowments,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T)

4 Two CD copies.

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